

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Nico Redding,

Civil No. 06-4575 (DWF/RLE)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Jan Hanlon; Ms. Karow; Sgt. Schleis; Vicky Pohlmann;
Captain Klatt; L. Summers; Officer Peine; Mr. Stender;
Ms. Connie Roewick; Mr. Reiser; Ms. J. Carter; Ms. Hlatti;
Ms. Bernadette Nicholson; Lt. McColley; Lt. Sheila McShae;
Officer Opsaul; Officer Knott; Officer Carol McHugho;
Officer Cervanek; Sgt. Worrisson; Officer Lewin; Lt. McShae;
Ms. Sandy Rost; Nanette Larson; John Agrimson; Ms. Lynn
Noll; Ms. Conel; Sgt. Dunras; Lt. Mikel; Officer Washington;
Officer Cindy Mosco; Darin Haugland; Officer Rosemary
Andrews; Officer Al Jones III; Officer T. Ryan; Officer Kruger;
Keith Krueger; Mr. C. Johnson; Ms. Phyllis Lawver; Ms. Joanne
Paulson; Mr. Ralph Flesher; Sgt. Zime; Sgt. Gardner; Officer
Liebel; Lt. Yozamp; G. Kindall; Officer Bob Coolidge; Officer
D. Pierce; Officer R. Peterson; Sgt. Mielke; Warden John King;
Officer Lanierd; Sgt. Jan Obrien; Officer Brewer; Officer
Hangman Vandeburg; Sgt. Rikken; Officer M. Fox; Officer
Tolbert; Ms. Loraine Shultz; Officer David Lang; Captain
Wilmes; Officer Sandy Olene; Ammy Langsworth; Carrie
Anderson; Ms. Sue Nelson; Officer Melany Parsons Mr. Dale
Poliak; Health Services Department of Faribault; Doctor
Craane; Regional Director of C.M.S.; Doctor Salmi; C.M.S.;
Health Services, Lino Lakes; Health Services, Rush City;
Nanette Larson; and John A. Agrimson,

Defendants.

Nico Redding, *Pro Se*, Plaintiff.

Margaret E. Jacot, Assistant Attorney General, Minnesota Attorney General's Office, counsel for Defendants Jan Hanlon; Ms. Karow; Sgt. Schleis; Vicky Pohlmann; Captain Klatt; L. Summers; Officer Peine; Mr. Stender; Ms. Connie Roewick; Mr. Reiser; Ms. J. Carter; Ms. Hlatti; Ms. Bernadette Nicholson; Lt. McColley; Lt. Sheila McShae; Officer Opsaul; Officer Knott; Officer Carol McHugho; Officer Cervanek; Officer Lewin; Lt. McShae; Ms. Sandy Rost; Nanette Larson; John Agrimson; Ms. Lynn Noll; Ms. Conel; Sgt. Dunras; Lt. Mikel; Officer Washington; Officer Cindy Mosco; Officer Rosemary Andrews; Officer Al Jones III; Officer T. Ryan; Officer Kruger; Mr. C. Johnson; Sgt. Zime; Sgt. Gardner; G. Kindall; Officer Bob Coolidge; Officer D. Pierce; Sgt. Jan Obrien; Officer Brewer; Sgt. Rikken; Officer Sandy Olene; Carrie Anderson; Ms. Sue Nelson; Officer Melany Parsons; Health Services Department of Faribault; Health Services, Lino Lakes; Health Services, Rush City; Nanette Larson; and John A. Agrimson,

Margaret E. Jacot, and Kelly S. Kemp, Assistant Attorneys General, Minnesota Attorney General's Office, counsel for Defendants Officer Liebel, Lt. Yozamp, Officer R. Peterson, Sgt. Mielke, Warden John King, Officer Lanierd, Officer M. Fox, Officer David Lang, Captain Wilmes, and Ammy Langsworthy.

Mark W. Hardy, Esq., Geraghty O'Loughlin & Kenney, PA, counsel for Defendants Darin Haugland, Keith Krueger, Ms. Phyllis Lawver, Mr. Dale Poliak, Doctor Craane, Doctor Salmi, and C.M.S.

Sgt. Worrisson, Ms. Joanne Paulson, Mr. Ralph Flesher, Officer Hangman Vandeburg, Officer Tolbert, Ms. Loraine Shultz, and Regional Director of C.M.S., *Pro Se* Defendants.

This matter is before the Court upon Plaintiff Nico Redding's objections to Chief United States Magistrate Judge Raymond L. Erickson's Report and Recommendation dated February 15, 2008, recommending that: (1) Redding's claims against Defendant Joanne Paulson be dismissed, for failure to effect service of process, but without prejudice; (2) the Motion of the CMS Defendants to Dismiss be granted, but without

prejudice; (3) the Motion of the State Defendants to Dismiss be granted in part, except for the following claims, which should be allowed to proceed: (a) Redding's Eighth Amendment claims against Jones, Knott, Opsahl, Pohlmann, and Schleis, for intentional interference with prescribed medical treatment; (b) Redding's MHRA claim against Jones for sexual harassment; (c) Redding's Eighth Amendment claim against Johnson for delay of medical treatment; (d) Redding's Fourteenth Amendment claim against Schleis, for denial of equal protection under the law.

The Court has conducted a *de novo* review of the record, including a review of the specific objections of Plaintiff, as well as the submissions of opposing counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the 63-page Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, including the specific objections of the Plaintiff, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Nico Redding's objections (Doc. No. 76) to Chief United States Magistrate Judge Raymond L. Erickson's Report and Recommendation dated February 15, 2008, are **DENIED**.

2. Chief United States Magistrate Judge Raymond L. Erickson's Report and Recommendation dated February 165, 2008 (Doc. No. 74), is **ADOPTED**.

3. Plaintiff Nico Redding's claims against Defendant Joanne Paulson are **DISMISSED**, for failure to effect service of process, but **WITHOUT PREJUDICE**.

4. The Motion of the CMS Defendants to Dismiss (Doc. No. 30) is **GRANTED**, but **WITHOUT PREJUDICE**.

5. The Motion of the State Defendants to Dismiss (Doc. No. 36) is **GRANTED IN PART**, except for the following claims, which should be allowed to proceed:

a. Redding's Eighth Amendment claims against Jones, Knott, Opsahl, Pohlmann, and Schleis, for intentional interference with prescribed medical treatment.

b. Redding's MHRA claim against Jones for sexual harassment.

c. Redding's Eighth Amendment claim against Johnson for delay of medical treatment.

d. Redding's Fourteenth Amendment claim against Schleis, for denial of equal protection under the law.

Dated: March 19, 2008

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court